IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8571 of 2005

Between:

V.L. Reddy, S/o. Bagh Reddy,
R/o. MIG-66, Ph.II, Site-II, Housing Board Colony,
Pothireddypally Sangareddy Mandal, Medak District.

..... PETITIONER

AND

The Depot Manager, APSRTC, Sanggareddy Depot,
Medak District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the Respondents herein by issuing a writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the impugned order No.02/95(41)/95-DM: SRD, DT. 04.04.1996 as arbitrary, illegal and contrary to law and violation of APSRTC (CCA) Regulations and also violation of Articles 14 and 21 of the Constitution of India and consequently direct the respondents to restore all consequential benefits to the petitioner.

Counsel for the Petitioner:MR.P.SRIDHAR RAO

Counsel for the Respondent: MR.V.T.M.PRASAD

The Court at the admission stage made the following O R D E R:

The petitioner was appointed as Conductor in the respondent-Corporation on 01.06.1990. While so, the petitioner was issued a charge sheet dated 15.09.1995 alleging certain cash and ticket irregularities. He submitted his explanation. The respondent, without conducting any enquiry, passed the final order on 04.04.1996 imposing the penalty of deferment of annual increments for a period of one and half year, which shall have effect on future increments of the petitioner. Hence this writ petition.

The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting any enquiry.

It is well settled that denial of increments with cumulative effect tantamount to a major penalty, and such penalty cannot be imposed by the disciplinary authority without holding any enquiry.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increments, which shall not have the effect of postponing the future increments. By virtue of this order, petitioner is not entitled for any monetary benefits from the date of punishment till this date. But, however, he is entitled for notional calculation. No order as to costs.

(K.C.BHANU,J)

Dt:19th April, 2005

Note:CC in two days

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usd

To

1 The Depot Manager, APSRTC, Sanggareddy Depot,
Medak District.

2 Two CD copies,